

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 15, 2009**

**DIVISION ONE**

B205281      In re Hector Rosales                      (Not for Publication)  
                 on  
                 Habeas Corpus

The petition for writ of habeas corpus is granted, and the Board's decision is vacated. The Board is directed to find Rosales suitable for parole unless, within 30 days of the finality of this decision, the Board holds a parole suitability hearing and finds, based on new evidence, that he currently poses an unreasonable risk of danger to society if released on parole.

Weisberg, J. (Assigned)

We concur:    Mallano, P.J.  
                     Rothschild, J.

B206000      Thompson    (Not for Publication)  
                 v.  
                 McDonald's Corporation

The judgment is reversed. Appellant is entitled to costs on appeal.

Mallano, P.J.

We concur:    Rothschild, J.  
                     Weisberg, J. (Assigned)

June 15, 2009 (Continued)

## DIVISION ONE (continued)

B210527      Casas      (Not for Publication)  
v.  
Record Town USA, LLC

The appeal is dismissed. Each party is to bear its own or her own costs on appeal.

Weisberg, J. (Assigned)

We concur:   Mallano, P.J.  
                      Rothschild, J.

DIVISION THREE

B212400      People                                  (Not for Publication)  
v.  
Juan C. Munoz

The trial court's order granting probation is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B205875      People  
v.  
The People  
Ten Thousand One Hundred Fifty Three dollars and Thirty Eight Cents  
(10,153.38) in U.S. Currency, Cyrus Cardan

Filed order granting petition for rehearing. The court grants rehearing in the above matter to permit the People to address by supplemental letter brief the issues raised the petition for rehearing.

DIVISION FOUR

B211214      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Kimberly N.

The jurisdiction and disposition orders, and the order granting sole legal and physical custody of Ashley to Father, are affirmed.

Willhite, Acting P.J.

We concur:    Manella, J.  
                  Suzukawa, J.

DIVISION FIVE

B208336      Fireman's Fund Insurance Company      (Not for Publication)  
v.  
Robert De Niro

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur:    Mosk, J.  
                  Kriegler, J.

B207403      Matthew Neavill      (Not for Publication)  
v.  
California Academy for Liberal Studies et al

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur:    Turner, P.J.  
                  Mosk, J.

DIVISION FIVE (continued)

B206672      City of Montebello                      (Certified for Publication)  
                 v.  
                 Jaye Uribe

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur:    Turner, P.J.  
                 Mosk, J.

B206770      People    (Certified for Partial Publication)  
                 v.  
                 Benito Torres

The judgment is modified to strike the Penal Code section 186.22, subdivision (b)(1)(C) enhancements imposed as to both counts and impose two Penal Code section 1465.8, subdivision (a) court security fees (for a total of \$40). The trial court is to select the amount of the restitution fines as discussed in the body of this opinion. The abstract of judgment is amended to reflect that the firearm enhancements on counts one and two were also imposed pursuant to Penal Code section 12022.53, subdivision (e)(1). The judgment is affirmed in all other respects.

Turner, P.J.

I concur:      Armstrong, J.  
I concur:      Mosk, J. (opinion)

B214139      Indiana Retana  
                 v.  
                 Beverly Hills Transfer and Storage

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed February 10, 2009) dismissed.

DIVISION SIX

B209964      Flir Systems, Inc., et al.                      (Certified for Publication  
v.  
Williams Parrish and E. Timothy Fitzgibbons,

The judgment and order awarding respondents \$1,641,216.78 attorney fees and costs are affirmed. (§ 3426.4.) Respondents are awarded costs and attorney fees on appeal, in an amount to be determined by the trial court on noticed motion. (Gemini, supra, 95 Cal.App.4th at pp. 1264-1265.)

Yegan, Acting P.J.

We concur:    Coffee, J.  
                     Perren, J.

B205464      People    (Not for Publication)  
v.  
Thomas Michael Wagner

The order is affirmed.

Gilbert, P.J.

We concur:    Yegan, J.  
                     Coffee, J.

B208472      People    (Not for Publication)  
v.  
Miller

The judgment is affirmed.

Gilbert, P.J.

We concur:    Yegan, J.  
                     Coffee, J.

June 15, 2009 (Continued)

## DIVISION SEVEN

B211998      People                          (Not for Publication)  
v.  
E.M.

The order under review is affirmed.

Woods, Acting P.J.

We concur:   Zelon, J.  
                      Jackson, J.

B208499 People (Not for Publication)  
v.  
C.P.

The order is reversed. The matter is remanded with directions for the juvenile court either to enter a disposition in accordance with the negotiated disposition or to grant the minor's motion to withdraw his admission.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B208433 People (Not for Publication)  
v.  
Cabrera

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Jackson, J.

## DIVISION SEVEN (continued)

B206355 People v.  
Leon et al.

(Not for Publication)

The superior court is directed to modify the minute order imposing Leon's sentence and Leon's abstract of judgment to delete the reference to his being sentenced pursuant to section 667, subdivisions (b) through (i) and section 1170.12, subdivisions (a) through (d). The superior court is ordered to prepare and file with the Department of Corrections an amended abstract of judgment for Leon reflecting that change. In all other respects, the judgments are affirmed.

Woods, J.

We concur: Perluss, P.J.  
Jackson, J.

B213610	Koch v. Markel Insurance Co.
B215545	Koch v. Markel Insurance Co.

Filed order consolidating above captioned appeals.

## DIVISION EIGHT

B207872      L.E.C.H, Inc.,                      (Not for Publication)  
v.  
Aaron Arnold Klein et al.,

For the reasons set forth above, the order denying the Kleins' motion for attorney's fees is affirmed. Respondent shall recover its appellate costs.

Rubin, Acting P.J.

We concur: Flier, J.  
Bigelow, J.